

IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

KEITH DIXON

PLAINTIFF

VS.

CAUSE NUMBER CV22-580

ELLIS J. COKER, JR. AND
ACW LOGISTICS, LLC

DEFENDANTS

COMPLAINT

COMES NOW the Plaintiff, Keith Dixon, by and through counsel, in the above styled and numbered cause of action, and files this his Complaint against the Defendants, Ellis J. Coker, Jr. and ACW Logistics, LLC, and for cause of action would show unto the Court, as follows:

PARTIES.

1. That the Plaintiff, Keith Dixon, is an adult resident citizen of Lee County, Mississippi.
2. That the Defendant, Ellis J. Coker, Jr., upon information and belief, is an adult resident citizen of the state of Georgia, who can be served with process of this Court at 1 Saint George Boulevard, Apartment 123, Savannah, Georgia 31419.
3. That the Defendant, ACW Logistics, LLC, is a limited liability company formed and existing under the laws of the state of South Carolina, which may be served with process of this Court by and through its registered agent for service of process, Angel Williams, 11892 Speedway Boulevard, Hardeeville, South Carolina 29927.

JURISDICTION AND VENUE.

4. That jurisdiction and venue are proper with this Court in that this Complaint is based upon certain negligent acts of the Defendants which occurred during a motor vehicle accident on or about May 29, 2019 at approximately 10:29 AM in Lee County, Mississippi.

FACTUAL ALLEGATIONS.

5. That just prior to the subject motor vehicle accident, Plaintiff Keith Dixon was traveling West in the right-hand (outside) lane of Interstate 22 in a careful, cautious and prudent manner. That the Plaintiff was operating a 2017 Freightliner delivery van owned or leased by his employer, United Parcel Services, Inc.

6. That just prior to the subject motor vehicle accident, Defendant Ellis J. Coker, Jr. was pulled over onto the West-bound right-hand shoulder of Interstate 22. That the said Defendant was operating a 2007 Freightliner semi-truck owned or leased by his employer, ACW Logistics, LLC.

7. That at the time of the subject motor vehicle accident, Defendant Ellis J. Coker, Jr., negligently and without warning, attempted to enter the West-bound lanes of travel of Interstate 22, from the right-hand shoulder of the roadway, in front of vehicles which were traveling at interstate speeds and which had the right-of-way in the said lanes of travel including, but not limited to, the Plaintiff vehicle.

8. That Defendant Ellis J. Coker, Jr. negligently pulled onto Interstate 22 from the right-hand shoulder of the roadway directly in front of the Plaintiff and into Plaintiff's lane of travel, thus causing Plaintiff to strike the left rear of Defendant's vehicle with the front of Plaintiff's vehicle.

9. That once Plaintiff made contact with the Defendant vehicle, the vehicle of Plaintiff sustained heavy damage and eventually came to rest in the center median of the interstate.

CAUSE OF ACTION AND DAMAGES.

10. That the negligent and unlawful acts of Defendant Ellis J. Coker, Jr. were the proximate contributing cause of the subject motor vehicle accident, to-wit:

a) In failing to maintain a proper lookout for other vehicles;

- b) In failing to yield the right-of-way to vehicles traveling on Interstate 22;
- c) In entering the lanes of travel of Interstate 22 without first coming to adequate speed;
- d) In failing to maintain proper control over the Defendant vehicle;
- e) In causing said accident; and
- f) Other negligent acts to be proven at trial.

11. That at all times mentioned herein, Defendant Ellis J. Coker, Jr. was acting within the course and scope of his duties as an agent or employee of Defendant ACW Logistics, LLC and, thus, both Defendants should be liable, joint and severable, for all damages proximately incurred by Plaintiff as the result of the negligent acts of Ellis J. Coker, Jr. under the theory of *respondeat superior.*

12. That, as a direct and proximate contributing result of the negligence of Defendants and the resulting motor vehicle collision, Plaintiff Keith Dixon suffered severe mental and physical injuries which have and will continue to cause mental and physical pain and suffering, permanent scarring and disfigurement, and a loss of enjoyment of life.

13. That, as a direct and proximate contributing result of the negligence of Defendants and the resulting motor vehicle collision, Plaintiff Keith Dixon has been caused to incur past medical expenses, with related future medical treatment and expenses likely necessary in an undetermined amount.

14. That, as a direct and proximate contributing result of the negligence of Defendants and the resulting motor vehicle collision, Plaintiff Keith Dixon has been caused to incur a loss in wages.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff, Keith Dixon, hereby seeks and demands judgment against the Defendants, Ellis J. Coker, Jr. and ACW Logistics, LLC, for actual and consequential damages in an amount deemed sufficient by the trier of fact, plus pre-judgment

and post-judgment interest, and all costs of court. The Plaintiff requests any such further or general relief as this Court may deem proper in the premises.

Respectfully submitted, this 27th day of May, 2022.

KEITH DIXON, Plaintiff

By:



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COUNSEL FOR PLAINTIFF

FILED

MAY 27 2022

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LEE CO CIRCUIT CLERK
D.C.